

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2015 Legislative Session**

Bill No. CB-73-2015

Chapter No. 58

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Harrison and Davis

Co-Sponsors \_\_\_\_\_

Date of Introduction October 20, 2015

**ZONING BILL**

1 AN ORDINANCE concerning

2 Residential Zones – Permitted Uses – O-S and R-R Zones – Issuance of Grading Permits  
3 For the purpose of amending the Residential Table of Uses to permit “Eating or drinking  
4 establishment, excluding drive-through service” and “Monopoles and related equipment  
5 buildings and enclosures” uses in the O-S (Open Space) Zone, under certain specified  
6 circumstances, and clarifying within the Residential Table of Uses that certain dwellings types  
7 are permitted in the R-R (Rural Residential) Zone and may obtain a grading permit upon  
8 approval of a Detailed Site Plan without a certification of said Detailed Site Plan.

9 BY repealing and reenacting with amendments:

- 10 Section 27-441(b),
- 11 The Zoning Ordinance of Prince George's County, Maryland,
- 12 being also
- 13 **SUBTITLE 27. ZONING.**
- 14 The Prince George's County Code
- 15 (2011 Edition; 2014 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
17 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
18 District in Prince George's County, Maryland, that Section 27-441(b) of the Zoning Ordinance of  
19 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
20 be and the same is hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**  
**PART 5. RESIDENTIAL ZONES.**  
**DIVISION 3. USES PERMITTED.**

**Sec. 27-441. Uses permitted.**

\* \* \* \* \*

**(b) TABLE OF USES.**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
<b>(1) COMMERCIAL:</b>									
* * * * *	*	*	*	*	*	*	*	*	*
Eating or Drinking Establishments:									
(i) Eating or drinking establishment, with drive-through service	X	X	X	X	X	P <sup>96</sup>	X	X	X
(ii) Eating or drinking establishment, excluding drive-through service	X	X <sup>105</sup>	X	X	X	X	X	X	X
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment. (CB-14-2013)	X	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*
<b>(6) Residential/Lodging:</b>									
* * * * *	*	*	*	*	*	*	*	*	*
Dwelling, two-family (in general)	X	X	X	X	[X] P <sup>79</sup>	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Townhouse, all others (CB-84-1990; CB-47-1996; CB-37-2005)	X	X	X	X	P <sup>79</sup>	X <sup>48</sup>	X <sup>48</sup>	X <sup>48</sup>	P <sup>2</sup>
* * * * *		*	*	*	*	*	*	*	*
<b>(8) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:</b>									
* * * * *	*	*	*	*	*	*	*	*	*
Monopoles and related equipment buildings and enclosures:									
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P	P
(B) All others	SE	SE <sup>106</sup>	SE	SE	SE	SE	SE	SE	SE
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
<b>(1) COMMERCIAL:</b>								
* * * * *	*	*	*	*	*	*	*	*
Eating or Drinking Establishments:								
(i) Eating or drinking establishment, with drive-through service	X	X	X	X	X	X	X	X
(ii) Eating or drinking establishment, excluding drive-through service	X	X	X	X	X	X	X	X
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment.	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*
<b>(6) Residential/Lodging:</b>								
* * * * *	*	*	*	*	*	*	*	*
Dwelling, two-family (in general)	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	X	X	X
* * * * *	*	*	*	*	*	*	*	*
Townhouse, all others (CB-55-1996)	P	SE	SE	SE	SE	X	X	X
* * * * *	*	*	*	*	*	*	*	*
<b>(8) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:</b>								
* * * * *	*	*	*	*	*	*	*	*
Monopoles and related equipment buildings and enclosures	SE	SE	SE	SE	SE	SE	SE	SE
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P
(B) All others	SE	SE	SE	SE	SE	SE	SE	SE

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*

\* \* \* \* \*

**79** Permitted only to replace an existing surface mining or Class III fill operation located directly adjacent to an interstate (with "I" classification, not "US" or "MD") highway, which operation has an active permit at the time of preliminary plan approval for the townhouse, two-family dwelling or multifamily development. The Planning Board shall approve a Detailed Site Plan under Part 3, Division 9, of the Zoning Ordinance. Multifamily dwellings are permitted as provided in Section 27-436 for the R-18 Zone, and townhouses are permitted as provided in Section 27-433 for the R-T Zone. Regulations concerning lot size, coverage, frontage, setbacks, density, bedroom percentages, and other requirements applicable to multifamily, two-family dwellings and townhouse dwellings shall not apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. In its site plan review, the District Council may require the applicant to demonstrate in the site plan record that highway facilities are adequate to serve the townhouse project. Notwithstanding any provision to the contrary in Section 27-270 of this Subtitle, any property subject to this provision shall not be required to obtain a final certified Detailed Site Plan approval prior to the approval and issuance of any County grading permit. This provision shall not apply to legal nonconforming sand and gravel or Class III fill operations.

\* \* \* \* \*

**105** Permitted uses on property in the O-S Zone, as follows:

- (A) the proposed use is located on property that is contiguous with property in the C-S-C Zone; and
- (B) The property has been used as a commercial retail business since January 1, 2000, or earlier.

**106** A Special Exception shall not be required and shall be a permitted use on property in the O-S Zone, provided:

- (A) the tower, pole, or monopole is located on property that is contiguous with property in the C-S-C Zone;
- (B) the property has been used as a commercial retail business since January 1, 2000, or earlier; and
- (C) the use is otherwise in conformance with the prescriptions of Section 27-416(a)(1)-(4) of this Subtitle.

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the  
2 date of its adoption.

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.